

APPEAL NO. 031624
FILED JULY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 3, 2003. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable injury includes an injury of a right knee prepatellar bursitis, but does not include injury to the right arm, right shoulder, low back, and the right knee consisting of a faruncle, degenerative arthritis, and tears of the posterior horn of the lateral meniscus and of the anterior and posterior horn of the medial meniscus. In his appeal, the claimant contends that the hearing officer's determination that his compensable injury does not include an injury to the right arm, right shoulder, low back and the right knee consisting of a faruncle, degenerative arthritis, and tears of the posterior horn of the lateral meniscus and of the anterior and posterior horn of the medial meniscus is against the great weight of the evidence. In its response to the claimant's appeal, the respondent/cross-appellant (carrier) urges affirmance of the hearing officer's extent-of-injury determinations, but appeals the determination that the claimant's compensable injury includes an injury to the right knee prepatellar bursitis. The claimant did not respond to the carrier's cross-appeal.

DECISION

Affirmed, as reformed.

The hearing officer did not err in determining that the claimant's compensable injury includes an injury of a right knee prepatellar bursitis, but does not include injury to the right arm, right shoulder, low back and the right knee consisting of a faruncle, degenerative arthritis, and tears of the posterior horn of the lateral meniscus and of the anterior and posterior horn of the medial meniscus. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has establish, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Accordingly, no sound basis exists for us to reverse the extent-of-injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We note that the hearing officer's decision contains typographical errors. Specifically, in Conclusion of Law No. 3 and in the portion of the decision and order entitled "DECISION," the hearing officer states both that prepatellar bursitis is part of the compensable injury and that it is not part of the compensable injury. Clearly, in light of the hearing officer's Findings of Fact and discussion of the evidence, she believes that prepatellar bursitis was part of the compensable injury. We, therefore, reform the decision of the hearing officer to strike all language which states that the claimed injury did not include prepatellar bursitis.

We affirm the decision and order of the hearing officer, as reformed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge